

Remarks

This paper is filed as a Supplemental Amendment to the claims in the above captioned case. Under the rules, the applicant timely replied to the March 3, 2010 Official Action and provided a set of claims in amended format. Claim 8, remained pending in the case. In the remarks in the prior filed response, language was provided that directed the Examiner's attention to amendments introduced into Claim 8, however the applicant, in a typographical error, inadvertently left the intended amendment language out of Claim 8. With this Supplemental Amendment, the intended language is included in the amended claim. Basis for the amendment introducing the terms "active against lepidopteran insects" can be found throughout the specification, and particularly in line one of paragraph [Para 82] on page 15 of the specification as filed. No new matter is introduced with this amendment. Claim 8 continues to be drawn to a protein corresponding to SEQ ID NO:4, first described by the applicant in the sequence listing and specification filed in December 2003, also referred to therein as TIC900.

It is believed that no fee is due with the submission of this paper, however, the Office is authorized to deduct any fees associated with the submission of this paper from, or to credit any overpayment to, Applicant Monsanto Company's USPTO Deposit Account 13-4125. It is believed that this paper is timely filed and that the supplemental amendment places the application in condition for allowance and corrects typographical errors.

With this paper, amended claim 8 remains pending in the case.

Respectfully submitted,

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/ Timothy K. Ball /

Date: _____

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